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PATENT  
Attorney Docket No. OEH-001  
(10081/2)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Czerney et al.  
SERIAL NO.: 10/732,928 GROUP NO.: 1626  
FILING DATE: December 10, 2003 EXAMINER: Fiona Powers  
TITLE: Benzopyrrolo-polymethine-based Hydrophilic Markers

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application.

A copy of German Patent, DE 199 11 421, is enclosed together with corresponding International Application Publication No. WO 00/53678, which includes an English abstract that provides a concise explanation of the documents' relevance.

We provide the inventor and filing date of U.S. Patent Application No. 09/700,072, but no copy of the application is provided as it is not published.

**REMARKS**

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed:



- (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or

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- ☒ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☐ the requisite Statement is below, **OR**
- ☒ the requisite fee under 37 C.F.R. 1.17(p) of **\$180.00**, is included herewith.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

Respectfully submitted,



Melissa Hunter-Ensor, Ph.D.

Agent for Applicant(s)

Testa, Hurwitz, & Thibault, LLP

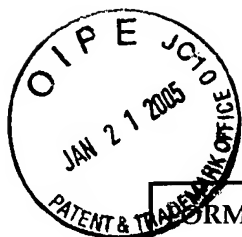
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FORM PTO - 1449

## INFORMATION DISCLOSURE STATEMENT

ATTORNEY DOCKET NO.: OEH-001

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## U.S. PATENT DOCUMENTS

EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A1	09/700,072		Czerney et al.			February 2, 2001

## FOREIGN PATENT DOCUMENTS

EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG (Y/N)
	B1	DE 199 11 421	10/05/00						N
	B2	WO 00/53678	03/11/99						N

## OTHER ART, JOURNAL ARTICLES, ETC.

EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)								
EXAMINER					DATE CONSIDERED				

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